



# DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS

ARMY CORPS OF ENGINEERS CENTRE

190 FIFTH STREET EAST

ST. PAUL, MN 55101-1638

REPLY TO  
ATTENTION OF

July 2, 2001

Construction-Operations  
Regulatory (01-04201-DAS)

Mr. Bernard Seidling  
Four Star Properties  
P.O. Box 3006  
Eau Claire, Wisconsin 54702

Dear Mr. Seidling:

We have reviewed information about a wetland in the Town of LaFayette. The wetland is in SE 1/4, NE 1/4, Sec. 10, T. 28N., R. 8W., Chippewa County, Wisconsin, as shown on the attached map.

This jurisdictional determination takes into consideration the U.S. Supreme Court's decision in Solid Waste Agency of Northern Cook County v. Corps of Engineers (the SWANCC decision). The area encompassed by this jurisdictional determination is a waterbody/wetland that is 2 to 4 acres in size.

The subject water body is not a "water of the United States" because it is: (1) not a navigable water, (2) not an interstate water, (3) not part of a tributary system to 1 or 2, (4) not a wetland adjacent to any of the foregoing, and not an impoundment of any of the above. In addition, the interstate commerce nexus to this particular waterbody is insufficient to establish Clean Water Act jurisdiction. This waterbody is therefore not subject to regulation by the Corps of Engineers under Section 404 of the Clean Water Act.

This jurisdictional determination is valid only for the project and waterbody referenced above. It is based on the Headquarters guidance available to us at this time.

PLEASE NOTE THAT THIS LETTER DOES NOT ELIMINATE THE NEED FOR OTHER FEDERAL, STATE, LOCAL, OR OTHER AUTHORIZATIONS (SUCH AS THOSE OF THE DEPARTMENT OF NATURAL RESOURCES OR COUNTY).

If you have any questions, contact Jason R. Berkner in our St. Paul office at (651) 290-5370. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

  
for Robert J. Whiting  
Chief, Regulatory Branch

Enclosure: NRCS Wetland Inventory Map

Copy furnished to : Dan Koich, WDNR - Eau Claire  
Lois Simon, WDNR - Madison